

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEFFREY SYNAN,

Plaintiff,

Civil Action No. 2:18-CV-1519

v.

FILED ELECTRONICALLY

CREDIT ACCEPTANCE CORPORATION
and UNITED TOWING SERVICE, LLC, JURY TRIAL DEMANDED

Defendants.

NOTICE OF REMOVAL

Defendant, United Towing Service, LLC (“United”) by and through its counsel, the JULIAN LAW FIRM and JOHN E. EGGERS, JR., ESQUIRE, gives notice of the removal of this proceeding from the Court of Common Pleas of Allegheny County, Pennsylvania and states as follows:

1. On or about October 12, 2018, Plaintiff commenced an action against Defendants by filing a Complaint at Case No. GD-18-012956 in the Court of Common Pleas of Allegheny County, Pennsylvania. A true and correct copy of the Complaint is attached as Exhibit “A”.

2. On or about October 22, 2018, an Amended Complaint was filed in this matter before either Defendant filed an Answer or Preliminary Objections. A true and correct copy of the Amended Complaint is attached as Exhibit “B”.

3. The Complaint contains an allegation against United alleging a violation of the Fair Debt Collection Practices Act at 15 U.S.C. §1692 et seq.

4. The above-described action against Defendants by Plaintiff is a civil action for which this Court would have original jurisdiction when it was instituted and of which this Court has original jurisdiction under the provisions of 28 U.S.C. §1331, and is one which may be

removed to this Court by United pursuant to the provisions of 28 U.S.C. §1441(a), in that it is a “civil action brought in a State court of which the district courts of the United States have original jurisdiction, and may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

5. On November 2, 2018, United was served with a copy of the Amended Complaint by Certified Mail; United was never served with the Complaint.

6. The Complaint and Amended Complaint both allege additional causes of action under the Fair Credit Extension Uniformity Act (as to both Defendants) a violation of the Uniform Commercial Code at 13 Pa.C.S. §9609 against Credit Acceptance Corporation and Battery, Conversion/Trespass Chattels (as to both Defendants).

7. The state law claims listed in Paragraph 6 are not within the original jurisdiction of this Court, but are within its supplemental jurisdiction and are removable in their entirety. 28 U.S.C. §1441(c) and 28 U.S.C. §1357.

8. Pursuant to 28 U.S.C. §1446(a) attached to this Notice at Exhibit “B” is a true and correct copy of the Amended Complaint, the only pleading provided to United in the state court action.

9. This Notice of Removal is timely under 28 U.S.C. §1446 since the Amended Complaint constitutes the “initial pleading” for purposes of removal in this action as it was the only complaint served upon United setting forth the claim for relief. See copy of Affidavit of Service filed November 5, 2018 at Exhibit “C”.

10. Prior to the Notice of Removal, no pleadings were filed by United in the state court action.

WHEREFORE, United gives notice that the action pending in the Court of Common Pleas of Allegheny County, Pennsylvania is removed to this Court.

Respectfully submitted,

JULIAN LAW FIRM

Dated: November 13, 2018

JURY TRIAL DEMANDED

/s/ John E. Egers, Jr.
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing NOTICE OF REMOVAL was sent to all counsel of record this 13th day of November, 2018, via First-Class U.S. Mail, postage prepaid, addressed as follows:

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